

There is no way we will deny you a vote, if we fail to work it out.

Mr. REED. I will endeavor to reach an understanding, and hopefully we can.

Mr. LEVIN. Mr. President, parliamentary inquiry. Is the Reed amendment now laid aside? Has that action been taken?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So that we now at this point have three amendments which are laid aside, and there is no amendment which is pending before the Senate, is that correct?

The PRESIDING OFFICER. I believe there are two first degrees and a second-degree amendment laid aside.

Mr. LEVIN. Did the Chair say two first-degree amendments and one second degree?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Is the Republican manager of the bill ready to move forward on any unanimous consent requests?

Mr. WARNER. We are about to work out a timing for the vote on the Daschle-Graham or Graham-Daschle amendment. I simply ask that the 5 minutes equally divided be expanded to 10 minutes, so I think we are prepared to go ahead and set that, if that is the desire of the leader.

Mr. REID. That would be certainly fine.

Mr. WARNER. I believe we will propound that UC in a moment. In the meantime I will attend to some other housekeeping matters.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 147 which was submitted earlier today and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 147) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Bill Frist.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 147

Whereas, Senator Bill Frist has been named as a defendant in the case of John Jenkel v. Bill Frist, No. C-03-1235 (MEJ), now pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Frist in the case of John Jenkel v. Bill Frist.

#### AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 148 which was submitted earlier today and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 148) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. 77 U.S. Senators.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 148

Whereas, in the case of John Jenkel v. 77 U.S. Senators, No. C-03-1234 (VRW), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants seventy-seven Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the Members of the

Senate who are defendants in the case of John Jenkel v. 77 U.S. Senators.

Mr. McCONNELL. Mr. President, these resolutions concern pro se civil actions commenced in the United States District Court for the Northern District of California by the same plaintiff. The first resolution concerns a suit that the plaintiff has brought against seventy-seven Members of the Senate claiming that their votes approving the joint resolution authorizing the use of military force against Iraq violated the law. Included among the 77 defendants plaintiff has sued are the new Members who were not even in the Senate at the time of the vote on the resolution authorizing the use of force.

This suit is without merit as the court has no jurisdiction over the matter and the Speech or Debate Clause bars suits against legislators for the performance of their legislative duties under the Constitution. There is simply no legal basis for suing Senators for their role in authorizing the use of military force against Iraq. While a Senator's vote on whether to authorize the use of military force by the President is an appropriate subject for political debate, it cannot be the basis for filing a lawsuit against the Senator in court.

The second resolution concerns a lawsuit filed by the same plaintiff against Senator FRIST for allegedly failing to schedule for consideration by the Senate the repeal of provisions enacted as part of the Homeland Security Act of 2002. This suit is also without any merit as the court has no jurisdiction over the matter and the suit is barred by the Speech or Debate Clause. Senator FRIST's decisions on the agenda and schedule for the legislative business of this body do not present a justiciable issue for the courts.

These resolutions authorize the Senate Legal Counsel to represent the Senate defendants in these two actions.

Mr. REID. Before we go into the quorum call, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

#### IRAQI AND AFGHAN WOMEN

Mr. REID. Mr. President, over the past year and a half I have spoken on many occasions of including women in the reconstruction of Afghanistan. Since then we have seen the inclusion of two women cabinet members give hope to the women of Afghanistan. We have also learned the inclusion of only two women is certainly not enough. Greater representation of women is necessary in Afghanistan. Likewise, Iraqi women should play some part, and I believe an important one, in the rebuilding of their country. Iraqi

women should be an effective force for peace, for democracy, and for human rights. Women must be included, and not just symbolically but substantively, in the charting of the future of these two nations. So today I urge the Bush administration to, No. 1, ensure women are included as full participants in the new government of Iraq and, No. 2, that there be an improvement and expansion of our security mission in Afghanistan so that women are free to fully participate all over that country.

The first U.S.-sponsored planning meetings for Iraq give me concern. In a meeting of Iraqi expatriates in London, 3 out of 65 participants were women. Women at this meeting urged greater representation in subsequent meetings, but at the next meeting in Iraq in April there were still only 4 women out of 80 participants. In fact, women were losing, not gaining, representation in Iraq. Women must be included in leadership roles in the planning of the new interim government as well as in cabinet positions in the interim government itself.

In spite of Saddam Hussein's impression, women in Iraq have a proud history and involvement in the workforce in public service. We can't let this history be lost.

In recent history women have held 20 percent of Iraq's parliamentary seats which is significantly more than the 3.5 percent average among Arab states. Let me repeat that: In the Iraq parliament, 20 percent of the seats were held by women and in the rest of the Middle East Arab states 3.5 percent women are in the parliamentary seats. Even though many of these parliaments—in fact, I think I could say all of them, are really not without a lot of power—I am sorry, they are without a lot of power—it still says a great deal as to the makeup of these parliamentary bodies—3.5 percent as the average among Arab states.

We need to do better in Iraq. We need to do better in Afghanistan. Iraqi women prior to the war held professional jobs. They were well represented in medicine, engineering, academia, and in civil service. In 2002, 38 percent of Iraqi doctors were women.

Women in Iraq are well educated. Last year, almost 35 percent of university and polytechnic students in Iraq were women.

We also cannot allow a lack of security to destroy women's rights in Iraq as they have done and continue to do in Afghanistan. Frightened by the chaos and lawlessness on the streets of Baghdad, many Iraqi women are prisoners in their own homes. Few, if any, women are seen in public. The markets and the gas stations are occupied almost entirely by men. This is a grim picture for a country whose women have enjoyed a level of independence that is unusual in most Arab countries.

Security problems are eroding the hope of many Afghan women, as well, and it is a concern. In light of this situ-

ation, I was pleased to see that Germany's Chancellor, who is the head of the International Security Assistance Force (ISAF), has called for an expansion of this international peace-keeping mission in Afghanistan. This request is supported by UN officials, Afghan women leaders, humanitarian organizations and women's rights groups and even by Congress.

Last year, we passed the Afghan Freedom Support Act, a bi-partisan initiative—which called for expansion of peace-keeping forces. The President signed this legislation into law, but still, we have no expansion of ISAF, International Security Assistance Force, in Afghanistan.

Afghanistan cannot wait much longer for improvements in security. In some areas, warlords are imposing Taliban-like restrictions on women and girls. Girls schools have been bombed. Humanitarian aid workers have been killed. Security in the southern part of the country is so bad that UN workers now have to be accompanied by armed guards.

This fall, Afghans will assemble to adopt a Constitution. One year from now, elections will be held—we hope. Only if security is dramatically improved throughout the country will it be possible for people who advocate women's rights and human rights to participate in deliberations about their constitution. Fair and democratic voter registration and elections will not happen without improvements in the security situation. Without proper security, without the full inclusion of women in the constitution, and without the ability for women to participate in elections as voters and candidates, women's rights will have no chance in Afghanistan.

We have won the war in both Iraq and Afghanistan—the military has certainly triumphed—but we are in jeopardy of losing the peace. Women in Afghanistan and Iraq—indeed the citizens of these nations, and the world community will not be able to sustain this loss.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE CRISIS FOR SMALL BUSINESS

Mr. DASCHLE. Mr. President, I will speak for a moment on an unrelated matter. I know we are working on a schedule to accommodate a vote on the amendment that was offered last night by Senator GRAHAM of South Carolina, myself, and others.

Last week, I spoke about the burden of the high cost of health care on families in South Dakota and across the country.

I spoke of citizens who were forced to pay health care premiums as high as \$10,000 per year but received only the sparsest benefits in return.

I spoke of citizens with serious health problems who were not able to acquire coverage because insurers decided it wasn't profitable for them.

I spoke of the millions of Americans living in fear because they were just one layoff, one bad crop, or one illness away from losing their health insurance and being driven into poverty and poor health.

But the high costs of health insurance are a burden not only to individuals, they are also a huge burden to small business. In the past year alone, health care premiums for businesses have risen more than 13 percent. If this keeps up, the cost of health care for businesses will double every 7 years—six times faster than their revenues.

Small businesses, which employ 50 percent of the workers in this country, face the greatest pressure of all. Because they are not big enough to bargain with insurers for better rates, small businesses too often are forced to pay for the nationwide increase in health care costs.

In the past year, in the midst of the toughest business environment in a generation, the total cost for insuring employees of small businesses rose 18 percent. Seventy percent of small businesses that do not cover their workers say that high costs are the No. 1 obstacle.

Many businesses are forced to shift costs to their workers in the form of higher copayments and fewer benefits. Many others cut benefits altogether. Those who want to keep their commitment to their employees pay a penalty for having less capital to grow their business and create more jobs.

Entrepreneurs with good ideas and solid business plans are scared off because health premiums are making the cost of starting and growing a business higher and higher. Skyrocketing health costs could pose the single greatest obstacle to entrepreneurship and growth in our economy today.

I recently heard from the Jensen family. Daren and Paula Jensen live with their three boys in Langford, a small town of about 300 in the northeast corner of South Dakota.

Daren and Paula own a body shop, Jensen's Auto, which Daren runs. The Jensens have one employee, but because the cost of insurance is so high, they cannot afford to pay for the insurance to provide health benefits.

Daren used to receive coverage through his wife who worked at the local bank, but when she quit her job to take care of their children, the family was covered through COBRA, the law that provides temporary access to a former employer's insurance.

Their COBRA monthly premium was \$525, but to keep that same coverage after COBRA expired would cost them more than twice that. The Jensens could not afford to spend \$14,000 a year